

1 AN ACT in relation to sex offenders.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The Juvenile Court Act of 1987 is amended by  
5 changing Sections 1-7, 1-8, 5-901, and 5-905 as follows:

6 (705 ILCS 405/1-7) (from Ch. 37, par. 801-7)

7 Sec. 1-7. Confidentiality of law enforcement records.

8 (A) Inspection and copying of law enforcement records  
9 maintained by law enforcement agencies that relate to a minor  
10 who has been arrested or taken into custody before his or her  
11 17th birthday shall be restricted to the following:

12 (1) Any local, State or federal law enforcement  
13 officers of any jurisdiction or agency when necessary for  
14 the discharge of their official duties during the  
15 investigation or prosecution of a crime or relating to a  
16 minor who has been adjudicated delinquent and there has  
17 been a previous finding that the act which constitutes  
18 the previous offense was committed in furtherance of  
19 criminal activities by a criminal street gang. For  
20 purposes of this Section, "criminal street gang" has the  
21 meaning ascribed to it in Section 10 of the Illinois  
22 Streetgang Terrorism Omnibus Prevention Act.

23 (2) Prosecutors, probation officers, social  
24 workers, or other individuals assigned by the court to  
25 conduct a pre-adjudication or pre-disposition  
26 investigation, and individuals responsible for  
27 supervising or providing temporary or permanent care and  
28 custody for minors pursuant to the order of the juvenile  
29 court, when essential to performing their  
30 responsibilities.

31 (3) Prosecutors and probation officers:

1 (a) in the course of a trial when institution  
2 of criminal proceedings has been permitted or  
3 required under Section 5-805; or

4 (b) when institution of criminal proceedings  
5 has been permitted or required under Section 5-805  
6 and such minor is the subject of a proceeding to  
7 determine the amount of bail; or

8 (c) when criminal proceedings have been  
9 permitted or required under Section 5-805 and such  
10 minor is the subject of a pre-trial investigation,  
11 pre-sentence investigation, fitness hearing, or  
12 proceedings on an application for probation.

13 (4) Adult and Juvenile Prisoner Review Board.

14 (5) Authorized military personnel.

15 (6) Persons engaged in bona fide research, with the  
16 permission of the Presiding Judge of the Juvenile Court  
17 and the chief executive of the respective law enforcement  
18 agency; provided that publication of such research  
19 results in no disclosure of a minor's identity and  
20 protects the confidentiality of the minor's record.

21 (7) Department of Children and Family Services  
22 child protection investigators acting in their official  
23 capacity.

24 (8) The appropriate school official. Inspection  
25 and copying shall be limited to law enforcement records  
26 transmitted to the appropriate school official by a local  
27 law enforcement agency under a reciprocal reporting  
28 system established and maintained between the school  
29 district and the local law enforcement agency under  
30 Section 10-20.14 of the School Code concerning a minor  
31 enrolled in a school within the school district who has  
32 been arrested or taken into custody for any of the  
33 following offenses:

34 (i) unlawful use of weapons under Section 24-1

1 of the Criminal Code of 1961;

2 (ii) a violation of the Illinois Controlled  
3 Substances Act;

4 (iii) a violation of the Cannabis Control Act;  
5 or

6 (iv) a forcible felony as defined in Section  
7 2-8 of the Criminal Code of 1961.

8 (9) Mental health professionals on behalf of the  
9 Illinois Department of Corrections or the Department of  
10 Human Services or prosecutors who are evaluating,  
11 prosecuting, or investigating a potential or actual  
12 petition brought under the Sexually Violent Persons  
13 Commitment Act relating to a person who is the subject of  
14 juvenile law enforcement records or the respondent to a  
15 petition brought under the Sexually Violent Persons  
16 Commitment Act who is the subject of the juvenile law  
17 enforcement records sought. Any records and any  
18 information obtained from those records under this  
19 paragraph (9) may be used only in sexually violent  
20 persons commitment proceedings.

21 (B) (1) Except as provided in paragraph (2), no law  
22 enforcement officer or other person or agency may  
23 knowingly transmit to the Department of Corrections,  
24 Adult Division or the Department of State Police or to  
25 the Federal Bureau of Investigation any fingerprint or  
26 photograph relating to a minor who has been arrested or  
27 taken into custody before his or her 17th birthday,  
28 unless the court in proceedings under this Act authorizes  
29 the transmission or enters an order under Section 5-805  
30 permitting or requiring the institution of criminal  
31 proceedings.

32 (2) Law enforcement officers or other persons or  
33 agencies shall transmit to the Department of State  
34 Police copies of fingerprints and descriptions of all

1 minors who have been arrested or taken into custody  
2 before their 17th birthday for the offense of unlawful  
3 use of weapons under Article 24 of the Criminal Code of  
4 1961, a Class X or Class 1 felony, a forcible felony as  
5 defined in Section 2-8 of the Criminal Code of 1961, or a  
6 Class 2 or greater felony under the Cannabis Control Act,  
7 the Illinois Controlled Substances Act, or Chapter 4 of  
8 the Illinois Vehicle Code, pursuant to Section 5 of the  
9 Criminal Identification Act. Information reported to the  
10 Department pursuant to this Section may be maintained  
11 with records that the Department files pursuant to  
12 Section 2.1 of the Criminal Identification Act. Nothing  
13 in this Act prohibits a law enforcement agency from  
14 fingerprinting a minor taken into custody or arrested  
15 before his or her 17th birthday for an offense other than  
16 those listed in this paragraph (2).

17 (C) The records of law enforcement officers concerning  
18 all minors under 17 years of age must be maintained separate  
19 from the records of arrests and may not be open to public  
20 inspection or their contents disclosed to the public except  
21 by order of the court or when the institution of criminal  
22 proceedings has been permitted or required under Section  
23 5-805 or such a person has been convicted of a crime and is  
24 the subject of pre-sentence investigation or proceedings on  
25 an application for probation or when provided by law.

26 (D) Nothing contained in subsection (C) of this Section  
27 shall prohibit the inspection or disclosure to victims and  
28 witnesses of photographs contained in the records of law  
29 enforcement agencies when the inspection and disclosure is  
30 conducted in the presence of a law enforcement officer for  
31 the purpose of the identification or apprehension of any  
32 person subject to the provisions of this Act or for the  
33 investigation or prosecution of any crime.

34 (E) Law enforcement officers may not disclose the

1 identity of any minor in releasing information to the general  
2 public as to the arrest, investigation or disposition of any  
3 case involving a minor, except as may be provided for in the  
4 Sex Offender Registration Act or the Sex Offender and Child  
5 Murderer Community Notification Law.

6 (F) Nothing contained in this Section shall prohibit law  
7 enforcement agencies from communicating with each other by  
8 letter, memorandum, teletype or intelligence alert bulletin  
9 or other means the identity or other relevant information  
10 pertaining to a person under 17 years of age if there are  
11 reasonable grounds to believe that the person poses a real  
12 and present danger to the safety of the public or law  
13 enforcement officers. The information provided under this  
14 subsection (F) shall remain confidential and shall not be  
15 publicly disclosed, except as otherwise allowed by law.

16 (G) Nothing in this Section shall prohibit the right of  
17 a Civil Service Commission or appointing authority of any  
18 state, county or municipality examining the character and  
19 fitness of an applicant for employment with a law enforcement  
20 agency, correctional institution, or fire department from  
21 obtaining and examining the records of any law enforcement  
22 agency relating to any record of the applicant having been  
23 arrested or taken into custody before the applicant's 17th  
24 birthday.

25 (Source: P.A. 91-357, eff. 7-29-99; 91-368, eff. 1-1-00;  
26 92-415, eff. 8-17-01.)

27 (705 ILCS 405/1-8) (from Ch. 37, par. 801-8)

28 Sec. 1-8. Confidentiality and accessibility of juvenile  
29 court records.

30 (A) Inspection and copying of juvenile court records  
31 relating to a minor who is the subject of a proceeding under  
32 this Act shall be restricted to the following:

33 (1) The minor who is the subject of record, his

1 parents, guardian and counsel.

2 (2) Law enforcement officers and law enforcement  
3 agencies when such information is essential to executing  
4 an arrest or search warrant or other compulsory process,  
5 or to conducting an ongoing investigation or relating to  
6 a minor who has been adjudicated delinquent and there has  
7 been a previous finding that the act which constitutes  
8 the previous offense was committed in furtherance of  
9 criminal activities by a criminal street gang.

10 Before July 1, 1994, for the purposes of this  
11 Section, "criminal street gang" means any ongoing  
12 organization, association, or group of 3 or more persons,  
13 whether formal or informal, having as one of its primary  
14 activities the commission of one or more criminal acts  
15 and that has a common name or common identifying sign,  
16 symbol or specific color apparel displayed, and whose  
17 members individually or collectively engage in or have  
18 engaged in a pattern of criminal activity.

19 Beginning July 1, 1994, for purposes of this  
20 Section, "criminal street gang" has the meaning ascribed  
21 to it in Section 10 of the Illinois Streetgang Terrorism  
22 Omnibus Prevention Act.

23 (3) Judges, hearing officers, prosecutors,  
24 probation officers, social workers or other individuals  
25 assigned by the court to conduct a pre-adjudication or  
26 predisposition investigation, and individuals responsible  
27 for supervising or providing temporary or permanent care  
28 and custody for minors pursuant to the order of the  
29 juvenile court when essential to performing their  
30 responsibilities.

31 (4) Judges, prosecutors and probation officers:

32 (a) in the course of a trial when institution  
33 of criminal proceedings has been permitted or  
34 required under Section 5-805; or

1 (b) when criminal proceedings have been  
2 permitted or required under Section 5-805 and a  
3 minor is the subject of a proceeding to determine  
4 the amount of bail; or

5 (c) when criminal proceedings have been  
6 permitted or required under Section 5-805 and a  
7 minor is the subject of a pre-trial investigation,  
8 pre-sentence investigation or fitness hearing, or  
9 proceedings on an application for probation; or

10 (d) when a minor becomes 17 years of age or  
11 older, and is the subject of criminal proceedings,  
12 including a hearing to determine the amount of bail,  
13 a pre-trial investigation, a pre-sentence  
14 investigation, a fitness hearing, or proceedings on  
15 an application for probation.

16 (5) Adult and Juvenile Prisoner Review Boards.

17 (6) Authorized military personnel.

18 (7) Victims, their subrogees and legal  
19 representatives; however, such persons shall have access  
20 only to the name and address of the minor and information  
21 pertaining to the disposition or alternative adjustment  
22 plan of the juvenile court.

23 (8) Persons engaged in bona fide research, with the  
24 permission of the presiding judge of the juvenile court  
25 and the chief executive of the agency that prepared the  
26 particular records; provided that publication of such  
27 research results in no disclosure of a minor's identity  
28 and protects the confidentiality of the record.

29 (9) The Secretary of State to whom the Clerk of the  
30 Court shall report the disposition of all cases, as  
31 required in Section 6-204 of the Illinois Vehicle Code.  
32 However, information reported relative to these offenses  
33 shall be privileged and available only to the Secretary  
34 of State, courts, and police officers.

1           (10) The administrator of a bonafide substance  
2 abuse student assistance program with the permission of  
3 the presiding judge of the juvenile court.

4           (11) Mental health professionals on behalf of the  
5 Illinois Department of Corrections or the Department of  
6 Human Services or prosecutors who are evaluating,  
7 prosecuting, or investigating a potential or actual  
8 petition brought under the Sexually Persons Commitment  
9 Act relating to a person who is the subject of juvenile  
10 court records or the respondent to a petition brought  
11 under the Sexually Violent Persons Commitment Act, who is  
12 the subject of juvenile court records sought. Any  
13 records and any information obtained from those records  
14 under this paragraph (11) may be used only in sexually  
15 violent persons commitment proceedings.

16           (B) A minor who is the victim in a juvenile proceeding  
17 shall be provided the same confidentiality regarding  
18 disclosure of identity as the minor who is the subject of  
19 record.

20           (C) Except as otherwise provided in this subsection (C),  
21 juvenile court records shall not be made available to the  
22 general public but may be inspected by representatives of  
23 agencies, associations and news media or other properly  
24 interested persons by general or special order of the court.  
25 The State's Attorney, the minor, his parents, guardian and  
26 counsel shall at all times have the right to examine court  
27 files and records.

28           (1) The court shall allow the general public to  
29 have access to the name, address, and offense of a minor  
30 who is adjudicated a delinquent minor under this Act  
31 under either of the following circumstances:

32                   (A) The adjudication of delinquency was based  
33 upon the minor's commission of first degree murder,  
34 attempt to commit first degree murder, aggravated

1 criminal sexual assault, or criminal sexual assault;  
2 or

3 (B) The court has made a finding that the  
4 minor was at least 13 years of age at the time the  
5 act was committed and the adjudication of  
6 delinquency was based upon the minor's commission  
7 of: (i) an act in furtherance of the commission of a  
8 felony as a member of or on behalf of a criminal  
9 street gang, (ii) an act involving the use of a  
10 firearm in the commission of a felony, (iii) an act  
11 that would be a Class X felony offense under or the  
12 minor's second or subsequent Class 2 or greater  
13 felony offense under the Cannabis Control Act if  
14 committed by an adult, (iv) an act that would be a  
15 second or subsequent offense under Section 402 of  
16 the Illinois Controlled Substances Act if committed  
17 by an adult, or (v) an act that would be an offense  
18 under Section 401 of the Illinois Controlled  
19 Substances Act if committed by an adult.

20 (2) The court shall allow the general public to  
21 have access to the name, address, and offense of a minor  
22 who is at least 13 years of age at the time the offense  
23 is committed and who is convicted, in criminal  
24 proceedings permitted or required under Section 5-4,  
25 under either of the following circumstances:

26 (A) The minor has been convicted of first  
27 degree murder, attempt to commit first degree  
28 murder, aggravated criminal sexual assault, or  
29 criminal sexual assault,

30 (B) The court has made a finding that the  
31 minor was at least 13 years of age at the time the  
32 offense was committed and the conviction was based  
33 upon the minor's commission of: (i) an offense in  
34 furtherance of the commission of a felony as a

1 member of or on behalf of a criminal street gang,  
2 (ii) an offense involving the use of a firearm in  
3 the commission of a felony, (iii) a Class X felony  
4 offense under or a second or subsequent Class 2 or  
5 greater felony offense under the Cannabis Control  
6 Act, (iv) a second or subsequent offense under  
7 Section 402 of the Illinois Controlled Substances  
8 Act, or (v) an offense under Section 401 of the  
9 Illinois Controlled Substances Act.

10 (D) Pending or following any adjudication of delinquency  
11 for any offense defined in Sections 12-13 through 12-16 of  
12 the Criminal Code of 1961, the victim of any such offense  
13 shall receive the rights set out in Sections 4 and 6 of the  
14 Bill of Rights for Victims and Witnesses of Violent Crime  
15 Act; and the juvenile who is the subject of the adjudication,  
16 notwithstanding any other provision of this Act, shall be  
17 treated as an adult for the purpose of affording such rights  
18 to the victim.

19 (E) Nothing in this Section shall affect the right of a  
20 Civil Service Commission or appointing authority of any  
21 state, county or municipality examining the character and  
22 fitness of an applicant for employment with a law enforcement  
23 agency, correctional institution, or fire department to  
24 ascertain whether that applicant was ever adjudicated to be a  
25 delinquent minor and, if so, to examine the records of  
26 disposition or evidence which were made in proceedings under  
27 this Act.

28 (F) Following any adjudication of delinquency for a  
29 crime which would be a felony if committed by an adult, or  
30 following any adjudication of delinquency for a violation of  
31 Section 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of  
32 1961, the State's Attorney shall ascertain whether the minor  
33 respondent is enrolled in school and, if so, shall provide a  
34 copy of the dispositional order to the principal or chief

1 administrative officer of the school. Access to such  
2 juvenile records shall be limited to the principal or chief  
3 administrative officer of the school and any guidance  
4 counselor designated by him.

5 (G) Nothing contained in this Act prevents the sharing  
6 or disclosure of information or records relating or  
7 pertaining to juveniles subject to the provisions of the  
8 Serious Habitual Offender Comprehensive Action Program when  
9 that information is used to assist in the early  
10 identification and treatment of habitual juvenile offenders.

11 (H) When a Court hearing a proceeding under Article II  
12 of this Act becomes aware that an earlier proceeding under  
13 Article II had been heard in a different county, that Court  
14 shall request, and the Court in which the earlier proceedings  
15 were initiated shall transmit, an authenticated copy of the  
16 Court record, including all documents, petitions, and orders  
17 filed therein and the minute orders, transcript of  
18 proceedings, and docket entries of the Court.

19 (I) The Clerk of the Circuit Court shall report to the  
20 Department of State Police, in the form and manner required  
21 by the Department of State Police, the final disposition of  
22 each minor who has been arrested or taken into custody before  
23 his or her 17th birthday for those offenses required to be  
24 reported under Section 5 of the Criminal Identification Act.  
25 Information reported to the Department under this Section may  
26 be maintained with records that the Department files under  
27 Section 2.1 of the Criminal Identification Act.

28 (J) Nothing in this Section shall affect the duty of a  
29 minor to register if required to do so by the provisions of  
30 the Sex Offender Registration Act or the authority of the  
31 Department of State Police or other law enforcement agency to  
32 provide information regarding a minor as required or allowed  
33 by the provisions of the Sex Offender and Child Murderer  
34 Community Notification Law.

1 (Source: P.A. 91-357, eff. 7-29-99; 91-368, eff. 1-1-00,  
2 92-415, eff. 8-17-01.)

3 (705 ILCS 405/5-901)  
4 Sec. 5-901. Court file.

5 (1) The Court file with respect to proceedings under  
6 this Article shall consist of the petitions, pleadings,  
7 victim impact statements, process, service of process,  
8 orders, writs and docket entries reflecting hearings held and  
9 judgments and decrees entered by the court. The court file  
10 shall be kept separate from other records of the court.

11 (a) The file, including information identifying the  
12 victim or alleged victim of any sex offense, shall be  
13 disclosed only to the following parties when necessary  
14 for discharge of their official duties:

15 (i) A judge of the circuit court and members  
16 of the staff of the court designated by the judge;

17 (ii) Parties to the proceedings and their  
18 attorneys;

19 (iii) Victims and their attorneys, except in  
20 cases of multiple victims of sex offenses in which  
21 case the information identifying the nonrequesting  
22 victims shall be redacted;

23 (iv) Probation officers, law enforcement  
24 officers or prosecutors or their staff;

25 (v) Adult and juvenile Prisoner Review Boards.

26 (b) The Court file redacted to remove any  
27 information identifying the victim or alleged victim of  
28 any sex offense shall be disclosed only to the following  
29 parties when necessary for discharge of their official  
30 duties:

31 (i) Authorized military personnel;

32 (ii) Persons engaged in bona fide research,  
33 with the permission of the judge of the juvenile

1 court and the chief executive of the agency that  
2 prepared the particular recording: provided that  
3 publication of such research results in no  
4 disclosure of a minor's identity and protects the  
5 confidentiality of the record;

6 (iii) The Secretary of State to whom the Clerk  
7 of the Court shall report the disposition of all  
8 cases, as required in Section 6-204 or Section  
9 6-205.1 of the Illinois Vehicle Code. However,  
10 information reported relative to these offenses  
11 shall be privileged and available only to the  
12 Secretary of State, courts, and police officers;

13 (iv) The administrator of a bonafide substance  
14 abuse student assistance program with the permission  
15 of the presiding judge of the juvenile court;

16 (v) Any individual, or any public or private  
17 agency or institution, having custody of the  
18 juvenile under court order or providing educational,  
19 medical or mental health services to the juvenile or  
20 a court-approved advocate for the juvenile or any  
21 placement provider or potential placement provider  
22 as determined by the court.

23 (3) A minor who is the victim or alleged victim in a  
24 juvenile proceeding shall be provided the same  
25 confidentiality regarding disclosure of identity as the minor  
26 who is the subject of record. Information identifying victims  
27 and alleged victims of sex offenses, shall not be disclosed  
28 or open to public inspection under any circumstances. Nothing  
29 in this Section shall prohibit the victim or alleged victim  
30 of any sex offense from voluntarily disclosing his or her  
31 identity.

32 (4) Relevant information, reports and records shall be  
33 made available to the Department of Corrections when a  
34 juvenile offender has been placed in the custody of the

1 Department of Corrections, Juvenile Division.

2 (5) Except as otherwise provided in this subsection (5),  
3 juvenile court records shall not be made available to the  
4 general public but may be inspected by representatives of  
5 agencies, associations and news media or other properly  
6 interested persons by general or special order of the court.  
7 The State's Attorney, the minor, his or her parents, guardian  
8 and counsel shall at all times have the right to examine  
9 court files and records.

10 (a) The court shall allow the general public to  
11 have access to the name, address, and offense of a minor  
12 who is adjudicated a delinquent minor under this Act  
13 under either of the following circumstances:

14 (i) The adjudication of delinquency was based  
15 upon the minor's commission of first degree murder,  
16 attempt to commit first degree murder, aggravated  
17 criminal sexual assault, or criminal sexual assault;  
18 or

19 (ii) The court has made a finding that the  
20 minor was at least 13 years of age at the time the  
21 act was committed and the adjudication of  
22 delinquency was based upon the minor's commission  
23 of: (A) an act in furtherance of the commission of a  
24 felony as a member of or on behalf of a criminal  
25 street gang, (B) an act involving the use of a  
26 firearm in the commission of a felony, (C) an act  
27 that would be a Class X felony offense under or the  
28 minor's second or subsequent Class 2 or greater  
29 felony offense under the Cannabis Control Act if  
30 committed by an adult, (D) an act that would be a  
31 second or subsequent offense under Section 402 of  
32 the Illinois Controlled Substances Act if committed  
33 by an adult, or (E) an act that would be an offense  
34 under Section 401 of the Illinois Controlled

1 Substances Act if committed by an adult.

2 (b) The court shall allow the general public to  
3 have access to the name, address, and offense of a minor  
4 who is at least 13 years of age at the time the offense  
5 is committed and who is convicted, in criminal  
6 proceedings permitted or required under Section 5-805,  
7 under either of the following circumstances:

8 (i) The minor has been convicted of first  
9 degree murder, attempt to commit first degree  
10 murder, aggravated criminal sexual assault, or  
11 criminal sexual assault,

12 (ii) The court has made a finding that the  
13 minor was at least 13 years of age at the time the  
14 offense was committed and the conviction was based  
15 upon the minor's commission of: (A) an offense in  
16 furtherance of the commission of a felony as a  
17 member of or on behalf of a criminal street gang,  
18 (B) an offense involving the use of a firearm in the  
19 commission of a felony, (C) a Class X felony offense  
20 under the Cannabis Control Act or a second or  
21 subsequent Class 2 or greater felony offense under  
22 the Cannabis Control Act, (D) a second or subsequent  
23 offense under Section 402 of the Illinois Controlled  
24 Substances Act, or (E) an offense under Section 401  
25 of the Illinois Controlled Substances Act.

26 (6) Nothing in this Section shall be construed to limit  
27 the use of a adjudication of delinquency as evidence in any  
28 juvenile or criminal proceeding, where it would otherwise be  
29 admissible under the rules of evidence, including but not  
30 limited to, use as impeachment evidence against any witness,  
31 including the minor if he or she testifies.

32 (7) Nothing in this Section shall affect the right of a  
33 Civil Service Commission or appointing authority examining  
34 the character and fitness of an applicant for a position as a

1 law enforcement officer to ascertain whether that applicant  
2 was ever adjudicated to be a delinquent minor and, if so, to  
3 examine the records or evidence which were made in  
4 proceedings under this Act.

5 (8) Following any adjudication of delinquency for a  
6 crime which would be a felony if committed by an adult, or  
7 following any adjudication of delinquency for a violation of  
8 Section 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of  
9 1961, the State's Attorney shall ascertain whether the minor  
10 respondent is enrolled in school and, if so, shall provide a  
11 copy of the sentencing order to the principal or chief  
12 administrative officer of the school. Access to such  
13 juvenile records shall be limited to the principal or chief  
14 administrative officer of the school and any guidance  
15 counselor designated by him or her.

16 (9) Nothing contained in this Act prevents the sharing  
17 or disclosure of information or records relating or  
18 pertaining to juveniles subject to the provisions of the  
19 Serious Habitual Offender Comprehensive Action Program when  
20 that information is used to assist in the early  
21 identification and treatment of habitual juvenile offenders.

22 (11) The Clerk of the Circuit Court shall report to the  
23 Department of State Police, in the form and manner required  
24 by the Department of State Police, the final disposition of  
25 each minor who has been arrested or taken into custody before  
26 his or her 17th birthday for those offenses required to be  
27 reported under Section 5 of the Criminal Identification Act.  
28 Information reported to the Department under this Section may  
29 be maintained with records that the Department files under  
30 Section 2.1 of the Criminal Identification Act.

31 (12) Information or records may be disclosed to the  
32 general public when the court is conducting hearings under  
33 Section 5-805 or 5-810.

34 (13) Nothing in this Section shall affect the duty of a

1 minor to register if required to do so by the provisions of  
 2 the Sex Offender Registration Act or the authority of the  
 3 Department of State Police or other law enforcement agency to  
 4 provide information regarding a minor as required or allowed  
 5 by the provisions of the Sex Offender and Child Murderer  
 6 Community Notification Law.

7 (Source: P.A. 90-590, eff. 1-1-99.)

8 (705 ILCS 405/5-905)

9 Sec. 5-905. Law enforcement records.

10 (1) Law Enforcement Records. Inspection and copying of  
 11 law enforcement records maintained by law enforcement  
 12 agencies that relate to a minor who has been arrested or  
 13 taken into custody before his or her 17th birthday shall be  
 14 restricted to the following and when necessary for the  
 15 discharge of their official duties:

16 (a) A judge of the circuit court and members of the  
 17 staff of the court designated by the judge;

18 (b) Law enforcement officers, probation officers or  
 19 prosecutors or their staff;

20 (c) The minor, the minor's parents or legal  
 21 guardian and their attorneys, but only when the juvenile  
 22 has been charged with an offense;

23 (d) Adult and Juvenile Prisoner Review Boards;

24 (e) Authorized military personnel;

25 (f) Persons engaged in bona fide research, with the  
 26 permission of the judge of juvenile court and the chief  
 27 executive of the agency that prepared the particular  
 28 recording: provided that publication of such research  
 29 results in no disclosure of a minor's identity and  
 30 protects the confidentiality of the record;

31 (g) Individuals responsible for supervising or  
 32 providing temporary or permanent care and custody of  
 33 minors pursuant to orders of the juvenile court or

1 directives from officials of the Department of Children  
2 and Family Services or the Department of Human Services  
3 who certify in writing that the information will not be  
4 disclosed to any other party except as provided under law  
5 or order of court;

6 (h) The appropriate school official. Inspection  
7 and copying shall be limited to law enforcement records  
8 transmitted to the appropriate school official by a local  
9 law enforcement agency under a reciprocal reporting  
10 system established and maintained between the school  
11 district and the local law enforcement agency under  
12 Section 10-20.14 of the School Code concerning a minor  
13 enrolled in a school within the school district who has  
14 been arrested for any offense classified as a felony or a  
15 Class A or B misdemeanor.

16 (2) Information identifying victims and alleged victims  
17 of sex offenses, shall not be disclosed or open to public  
18 inspection under any circumstances. Nothing in this Section  
19 shall prohibit the victim or alleged victim of any sex  
20 offense from voluntarily disclosing his or her identity.

21 (3) Relevant information, reports and records shall be  
22 made available to the Department of Corrections when a  
23 juvenile offender has been placed in the custody of the  
24 Department of Corrections, Juvenile Division.

25 (4) Nothing in this Section shall prohibit the  
26 inspection or disclosure to victims and witnesses of  
27 photographs contained in the records of law enforcement  
28 agencies when the inspection or disclosure is conducted in  
29 the presence of a law enforcement officer for purposes of  
30 identification or apprehension of any person in the course of  
31 any criminal investigation or prosecution.

32 (5) The records of law enforcement officers concerning  
33 all minors under 17 years of age must be maintained separate  
34 from the records of adults and may not be open to public

1 inspection or their contents disclosed to the public except  
2 by order of the court or when the institution of criminal  
3 proceedings has been permitted under Section 5-130 or 5-805  
4 or required under Section 5-130 or 5-805 or such a person has  
5 been convicted of a crime and is the subject of pre-sentence  
6 investigation or when provided by law.

7 (6) Except as otherwise provided in this subsection (6),  
8 law enforcement officers may not disclose the identity of any  
9 minor in releasing information to the general public as to  
10 the arrest, investigation or disposition of any case  
11 involving a minor. Any victim or parent or legal guardian of  
12 a victim may petition the court to disclose the name and  
13 address of the minor and the minor's parents or legal  
14 guardian, or both. Upon a finding by clear and convincing  
15 evidence that the disclosure is either necessary for the  
16 victim to pursue a civil remedy against the minor or the  
17 minor's parents or legal guardian, or both, or to protect the  
18 victim's person or property from the minor, then the court  
19 may order the disclosure of the information to the victim or  
20 to the parent or legal guardian of the victim only for the  
21 purpose of the victim pursuing a civil remedy against the  
22 minor or the minor's parents or legal guardian, or both, or  
23 to protect the victim's person or property from the minor.

24 (7) Nothing contained in this Section shall prohibit law  
25 enforcement agencies when acting in their official capacity  
26 from communicating with each other by letter, memorandum,  
27 teletype or intelligence alert bulletin or other means the  
28 identity or other relevant information pertaining to a person  
29 under 17 years of age. The information provided under this  
30 subsection (7) shall remain confidential and shall not be  
31 publicly disclosed, except as otherwise allowed by law.

32 (8) No person shall disclose information under this  
33 Section except when acting in his or her official capacity  
34 and as provided by law or order of court.

1       (9) Nothing in this Section shall affect the duty of a  
 2       minor to register if required to do so by the provisions of  
 3       the Sex Offender Registration Act or the authority of the  
 4       Department of State Police or other law enforcement agency to  
 5       provide information regarding a minor as required or allowed  
 6       by the provisions of the Sex Offender and Child Murderer  
 7       Community Notification Law.

8       (Source: P.A. 90-590, eff. 1-1-99; 91-479, eff. 1-1-00.)

9       Section 10. The Sex Offender Registration Act is amended  
 10      by changing Section 2 as follows:

11      (730 ILCS 150/2) (from Ch. 38, par. 222)

12      Sec. 2. Definitions. As used in this Article, the  
 13      following definitions apply:

14      (A) "Sex offender" means any person who is:

15          (1) charged pursuant to Illinois law, or any  
 16          substantially similar federal, sister state, or foreign  
 17          country law, with a sex offense set forth in subsection  
 18          (B) of this Section or the attempt to commit an included  
 19          sex offense, and:

20              (a) is convicted of such offense or an attempt  
 21              to commit such offense; or

22              (b) is found not guilty by reason of insanity  
 23              of such offense or an attempt to commit such  
 24              offense; or

25              (c) is found not guilty by reason of insanity  
 26              pursuant to Section 104-25(c) of the Code of  
 27              Criminal Procedure of 1963 of such offense or an  
 28              attempt to commit such offense; or

29              (d) is the subject of a finding not resulting  
 30              in an acquittal at a hearing conducted pursuant to  
 31              Section 104-25(a) of the Code of Criminal Procedure  
 32              of 1963 for the alleged commission or attempted

1 commission of such offense; or

2 (e) is found not guilty by reason of insanity  
3 following a hearing conducted pursuant to a federal,  
4 sister state, or foreign country law substantially  
5 similar to Section 104-25(c) of the Code of Criminal  
6 Procedure of 1963 of such offense or of the  
7 attempted commission of such offense; or

8 (f) is the subject of a finding not resulting  
9 in an acquittal at a hearing conducted pursuant to a  
10 federal, sister state, or foreign country law  
11 substantially similar to Section 104-25(a) of the  
12 Code of Criminal Procedure of 1963 for the alleged  
13 violation or attempted commission of such offense;

14 or

15 (2) certified as a sexually dangerous person  
16 pursuant to the Illinois Sexually Dangerous Persons Act,  
17 or any substantially similar federal, sister state, or  
18 foreign country law; or

19 (3) subject to the provisions of Section 2 of the  
20 Interstate Agreements on Sexually Dangerous Persons Act;  
21 or

22 (4) found to be a sexually violent person pursuant  
23 to the Sexually Violent Persons Commitment Act or any  
24 substantially similar federal, sister state, or foreign  
25 country law.

26 Convictions that result from or are connected with the  
27 same act, or result from offenses committed at the same time,  
28 shall be counted for the purpose of this Article as one  
29 conviction. Any conviction set aside pursuant to law is not  
30 a conviction for purposes of this Article.

31 (A-5) "Juvenile sex offender" means any person who is  
32 adjudicated a juvenile delinquent as the result of the  
33 commission of or attempt to commit a violation set forth in  
34 item (B), (C), or (C-5) of this Section or a violation of any

1 substantially similar federal, sister state, or foreign  
 2 country law. For purposes of this Section, "adjudicated as a  
 3 juvenile delinquent" shall have the same meaning as  
 4 "convicted", and a juvenile sex offender shall be subject to  
 5 the same registration requirements as a sex offender as  
 6 defined in subsection (A) of this Section. "~~convicted~~"--shall  
 7 have-the-same-meaning-as-"adjudicated".

8 (B) As used in this Section, "sex offense" means:

9 (1) A violation of any of the following Sections of  
 10 the Criminal Code of 1961:

- 11 11-20.1 (child pornography),
- 12 11-6 (indecent solicitation of a child),
- 13 11-9.1 (sexual exploitation of a child),
- 14 11-15.1 (soliciting for a juvenile prostitute),
- 15 11-18.1 (patronizing a juvenile prostitute),
- 16 11-17.1 (keeping a place of juvenile
- 17 prostitution),
- 18 11-19.1 (juvenile pimping),
- 19 11-19.2 (exploitation of a child),
- 20 12-13 (criminal sexual assault),
- 21 12-14 (aggravated criminal sexual assault),
- 22 12-14.1 (predatory criminal sexual assault of a
- 23 child),
- 24 12-15 (criminal sexual abuse),
- 25 12-16 (aggravated criminal sexual abuse),
- 26 12-33 (ritualized abuse of a child).

27 An attempt to commit any of these offenses.

28 (1.5) A felony violation of any of the following  
 29 Sections of the Criminal Code of 1961, when the victim is  
 30 a person under 18 years of age, the defendant is not a  
 31 parent of the victim, and the offense was committed on or  
 32 after January 1, 1996:

- 33 10-1 (kidnapping),
- 34 10-2 (aggravated kidnapping),

1                   10-3 (unlawful restraint),

2                   10-3.1 (aggravated unlawful restraint).

3                   An attempt to commit any of these offenses.

4                   (1.6) First degree murder under Section 9-1 of the  
5 Criminal Code of 1961, when the victim was a person under  
6 18 years of age, the defendant was at least 17 years of  
7 age at the time of the commission of the offense, and the  
8 offense was committed on or after June 1, 1996.

9                   (1.7) (Blank).

10                  (1.8) A violation or attempted violation of Section  
11 11-11 (sexual relations within families) of the Criminal  
12 Code of 1961, when the victim was a person under 18 years  
13 of age and the offense was committed on or after June 1,  
14 1997.

15                  (1.9) Child abduction under paragraph (10) of  
16 subsection (b) of Section 10-5 of the Criminal Code of  
17 1961 committed by luring or attempting to lure a child  
18 under the age of 16 into a motor vehicle, building,  
19 housetrailer, or dwelling place without the consent of  
20 the parent or lawful custodian of the child for other  
21 than a lawful purpose and the offense was committed on or  
22 after January 1, 1998.

23                  (1.10) A violation or attempted violation of any of  
24 the following Sections of the Criminal Code of 1961 when  
25 the offense was committed on or after the effective date  
26 of this amendatory Act of the 91st General Assembly:

27                   10-4 (forcible detention, if the victim is  
28 under 18 years of age),

29                   11-6.5 (indecent solicitation of an adult),

30                   11-15 (soliciting for a prostitute, if the  
31 victim is under 18 years of age),

32                   11-16 (pandering, if the victim is under 18  
33 years of age),

34                   11-18 (patronizing a prostitute, if the victim

1           is under 18 years of age),  
2                   11-19 (pimping, if the victim is under 18  
3           years of age).

4           (2) A violation of any former law of this State  
5           substantially equivalent to any offense listed in  
6           subsection (B)(1) of this Section.

7           (C) A conviction for an offense of federal law or the  
8           law of another state or a foreign country that is  
9           substantially equivalent to any offense listed in subsection  
10          (B) of this Section shall constitute a conviction for the  
11          purpose of this Article. A finding or adjudication as a  
12          sexually dangerous person or a sexually violent person under  
13          any federal law or law of another state or foreign country  
14          that is substantially equivalent to the Sexually Dangerous  
15          Persons Act or the Sexually Violent Persons Commitment Act  
16          shall constitute an adjudication for the purposes of this  
17          Article.

18          (C-5) A person at least 17 years of age at the time of  
19          the commission of the offense who is convicted of first  
20          degree murder under Section 9-1 of the Criminal Code of 1961,  
21          committed on or after June 1, 1996 against a person under 18  
22          years of age, shall be required to register for natural life.

23          (D) As used in this Article, "law enforcement agency  
24          having jurisdiction" means the Chief of Police in the  
25          municipality in which the sex offender expects to reside (1)  
26          upon his or her discharge, parole or release or (2) during  
27          the service of his or her sentence of probation or  
28          conditional discharge, or the Sheriff of the county, in the  
29          event no Police Chief exists or if the offender intends to  
30          reside in an unincorporated area. "Law enforcement agency  
31          having jurisdiction" includes the location where out-of-state  
32          students attend school and where out-of-state employees are  
33          employed or are otherwise required to register.

34          (E) As used in this Article, "sexual predator" means any

1 person who, after the effective date of this amendatory Act  
2 of the 91st General Assembly, is:

3 (1) Convicted of a violation of any of the  
4 following Sections of the Criminal Code of 1961 and the  
5 conviction occurred after the effective date of this  
6 amendatory Act of the 91st General Assembly:

7 11-17.1 (keeping a place of juvenile  
8 prostitution),

9 11-19.1 (juvenile pimping),

10 11-19.2 (exploitation of a child),

11 11-20.1 (child pornography),

12 12-13 (criminal sexual assault, if the victim  
13 is a person under 12 years of age),

14 12-14 (aggravated criminal sexual assault),

15 12-14.1 (predatory criminal sexual assault of  
16 a child),

17 12-16 (aggravated criminal sexual abuse),

18 12-33 (ritualized abuse of a child); or

19 (2) convicted of first degree murder under Section  
20 9-1 of the Criminal Code of 1961, when the victim was a  
21 person under 18 years of age and the defendant was at  
22 least 17 years of age at the time of the commission of  
23 the offense; or

24 (3) certified as a sexually dangerous person  
25 pursuant to the Sexually Dangerous Persons Act or any  
26 substantially similar federal, sister state, or foreign  
27 country law; or

28 (4) found to be a sexually violent person pursuant  
29 to the Sexually Violent Persons Commitment Act or any  
30 substantially similar federal, sister state, or foreign  
31 country law; or

32 (5) convicted of a second or subsequent offense  
33 which requires registration pursuant to this Act. The  
34 conviction for the second or subsequent offense must have

1 occurred after the effective date of this amendatory Act  
2 of the 91st General Assembly. For purposes of this  
3 paragraph (5), "convicted" includes a conviction under  
4 any substantially similar Illinois, federal, sister  
5 state, or foreign country law.

6 (F) As used in this Article, "out-of-state student"  
7 means any sex offender or sexual predator who is enrolled in  
8 Illinois, on a full-time or part-time basis, in any public or  
9 private educational institution, including, but not limited  
10 to, any secondary school, trade or professional institution,  
11 or institution of higher learning.

12 (G) As used in this Article, "out-of-state employee"  
13 means any sex offender or sexual predator who works in  
14 Illinois, regardless of whether the individual receives  
15 payment for services performed, for a period of time  
16 exceeding 14 days or for an aggregate period of time  
17 exceeding 30 days during any calendar year. Persons who  
18 operate motor vehicles in the State accrue one day of  
19 employment time for any portion of a day spent in Illinois.

20 (Source: P.A. 90-193, eff. 7-24-97; 90-494, eff. 1-1-98;  
21 90-655, eff. 7-30-98; 91-48, eff. 7-1-99.)